

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW HAMPSHIRE**

Laurie Ortolano,

Plaintiff

V.

Civil Action No. 22-cv-00326-LM

The City of Nashua, et al.,

Defendants

**PLAINTIFF'S MOTION FOR DEFAULT AGAINST DEFENDANT RAYMOND
FEOLI AND INCEPTION TECHNOLOGIES**

The plaintiff, Laurie Ortolano (hereinafter referred to as "Ortolano") hereby requests that a default be entered against Defendants Raymond Feoli ("Feoli") and Inception Technologies, ("Inception") and in furtherance, states as follows:

1. The Defendants, Feoli and Inception were served by Waiver of Service on September 27, 2022 and filed with the Court.
2. Under Fed. R. Civ. P. 12(a)(1)(A)(i) A Defendant must serve an answer or Motion within 21 days after being served with the summons or complaint.
3. On September 27, 2022, the defendant waived service of the summons and was required to file and serve an answer or motion under Fed. R. Civ. P. Rule 12(a)(1)(A)(ii) within 60 days of 8/29/2022.
4. Feoli filed a Motion to Dismiss on November 18, 2022, which was not timely.
5. The Court granted the motion in part and denied the motion in part on 6/12/2023.
6. Since the Court denied in part the motion to dismiss, Feoli and Inception were required to file an answer concerning the surviving count on or before June 26, 2023. See Fed. R. Civ. P. 12(a)(4)(A), which states in relevant part, (A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or (B) if the court grants a motion for a more definite statement, the responsive pleading

must be served within 14 days after the more definite statement is served. Fed. R. Civ. P. 12(a)(4)(A)

7. Due to the Defendants failure to comply with Fed. R. Civ. P. 12(a)(4)(A) a default should be entered against Feoli and Inception.
8. A memorandum of law in support of the motion pursuant to LR 7.1 (a)(2) is not necessary since the factual allegations are part of the court record and a resolution is based upon the application of Fed. R. Civ. P. 12 and 55.

Wherefore, pursuant to Fed. R. Civ. P. 55(b)(2), the Plaintiff respectfully requests that this Court enter a default against Defendant, Raymond Feoli and Inception Technologies, strike their summary judgment motion and schedule a hearing by jury on assessment of damages.

Dated: June 7, 2024

Respectfully submitted,

Laurie Ortolano, Plaintiff
By her Attorney,

/s/William Aivalikles

William Aivalikles

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CERTIFICATE OF SERVICE

I, William Aivalikles, hereby certify that this document, filed through the ECF system, will be sent electronically forthwith to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/William Aivalikles

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